

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER LaDAY,

Plaintiff,

-against-

DOE,

Defendant.

19-CV-9694 (CM)

ORDER OF DISMISSAL  
UNDER 28 U.S.C. § 1651

COLLEEN McMAHON, Chief United States District Judge:

On October 25, 2016, Plaintiff was barred from filing any new action *in forma pauperis* (IFP) without first obtaining from the Court leave to file. *See LaDay v. Doe*, ECF 1:16-CV-6982, 3 (S.D.N.Y. Oct. 25, 2016). Plaintiff files this new *pro se* case, but has not submitted an application to proceed IFP and has not paid the relevant fees to bring this action. The Court construes Plaintiff's complaint as seeking IFP status, and notes that he has not sought leave from the Court. This action is therefore dismissed without prejudice for Plaintiff's failure to comply with the October 25, 2016 order.

The Clerk of Court is directed to assign this matter to my docket, mail a copy of this order to Plaintiff, and note service on the docket.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to docket this as a “written opinion” within the meaning of Section 205(a)(5) of the E-Government Act of 2002.

SO ORDERED.

Dated: October 23, 2019  
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", written over a horizontal line.

COLLEEN McMAHON  
Chief United States District Judge